

Senate File 2364

H-8214

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. NEW SECTION. **85A.9 Occupational disease —**
6 **COVID-19 virus exposure.**

7 1. Notwithstanding section 85A.8, an employee, as described
8 in section 85A.3, who contracts the COVID-19 virus and who
9 alleges the employee's employment has subjected the employee
10 to an increased risk of exposure to the COVID-19 virus is
11 presumed to have an occupational disease arising out of and in
12 the course of employment if the requirements of subsection 2
13 are met.

14 2. An employee is presumed to have an occupational
15 disease arising out of and in the course of employment if the
16 employee's contraction of the COVID-19 virus is confirmed by
17 a positive laboratory test or, if a laboratory test is not
18 available for the employee, as diagnosed and documented by the
19 employee's licensed physician, licensed physician assistant, or
20 licensed advanced registered nurse practitioner based upon the
21 employee's symptoms. The employee shall provide a copy of the
22 positive laboratory test or the written documentation of the
23 diagnosis to the employer or the employer's insurance carrier.

24 3. If the employee has met the requirements of subsections
25 1 and 2, the presumption that the employee has an occupational
26 disease arising out of and in the course of employment shall
27 only be rebutted upon proof by the employer or the employer's
28 insurance carrier that the employment did not pose an increased
29 risk of exposure to the employee and that the employee's
30 disease was caused by a nonoccupational exposure to the
31 COVID-19 virus.

32 4. The date of injury for an employee who has contracted
33 the COVID-19 virus under this section shall be the date that
34 the employee was first unable to work due to symptoms of the
35 COVID-19 virus, or the date the employee was first informed,

1 through a positive laboratory test or diagnosis, that the
2 employee contracted the COVID-19 virus, whichever occurred
3 first.

4 5. An employee who has contracted the COVID-19 virus but
5 who is not entitled to the presumption provided under this
6 section is not precluded from claiming an occupational disease
7 as otherwise provided for in this chapter or from claiming a
8 personal injury.

9 6. The commissioner shall provide a detailed report on
10 workers' compensation claims due to the COVID-19 virus under
11 this section to the workers' compensation advisory committee
12 and the chairpersons and ranking members of the senate standing
13 committee on labor and business relations and the house
14 standing committee on labor by January 15, 2021.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
16 importance, takes effect upon enactment.

17 Sec. 3. APPLICABILITY. This Act applies to employees, as
18 described in section 85A.3, who contract the COVID-19 virus on
19 or after the effective date of this Act.>

20 2. Title page, by striking lines 1 through 5 and inserting
21 <An Act relating to occupational disease compensation and
22 including effective and applicability date provisions.>

HUNTER of Polk